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AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY

UNITED STATES OF AMERICA  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MICROSOFT CORP., )  
 )  
Plaintiff(s), )  
 )  
v. )  
 )  
LEONID RADVINSKY, )  
 )  
Defendant(s), )  
 )

CASE NO. 'C04-2033C

ORDER REGARDING DISCOVERY  
AND DEPOSITION

IT IS ORDERED that:

1. DISCOVERY. All discovery matters are to be resolved by agreement if possible. If a ruling is needed as to any discovery question, and counsel wish to avoid the time and expenses of a written motion, they may obtain an expedited ruling through a telephone conference call to the court at (206) 370-8800.

ORDER RE DISCOVERY  
AND DEPOSITIONS -1-

04-CV-02033-ORD

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2 2. DEPOSITIONS. Depositions will be conducted in  
3 compliance with the following rules:

4 (a) Examination. If there are multiple parties,  
5 each side should ordinarily designate one attorney to conduct the  
6 main examination of the deponent, and any questioning by other  
7 counsel on that side should be limited to matters not previously  
8 covered.

9 (b) Objections. The only objections that should  
10 be raised at the deposition are those involving a privilege  
11 against disclosure, or some matter that may be remedied if  
12 presented at the time (such as the form of the question or the  
13 responsiveness of the answer), or that the question seeks  
14 information beyond the scope of discovery. Objections on other  
15 grounds are unnecessary and should generally be avoided. All  
16 objections should be concise and must not suggest answers to, or  
17 otherwise coach, the deponent. Argumentative interruptions will  
18 not be permitted.

19 (c) Directions Not to Answer. Directions to the  
20 deponent not to answer are improper, except on the ground of  
21 privilege or to enable a party or deponent to present a motion to  
22 the court or special master for termination of the deposition on  
23 the ground that it is being conducted in bad faith or in such a  
24 manner as unreasonably to annoy, embarrass or oppress the party  
25 or the deponent, or for appropriate limitations upon the scope of  
26

1 the deposition (e.g., on the ground that the line of inquiry is  
2 not relevant nor reasonably calculated to lead to the discovery  
3 of admissible evidence). When a privilege is claimed, the  
4 witness should nevertheless answer questions relevant to the  
5 existence, extent or waiver of the privilege, such as the date of  
6 the communication, who made the statement in question, to whom  
7 and in whose presence the statement was made, other persons to  
8 whom the statement was made, other persons to whom the contents  
9 of the statement have been disclosed, and the general subject  
10 matter of the statement.

11 (d) Responsiveness. Witnesses will be expected to  
12 answer all questions directly and without evasion, to the extent  
13 of their testimonial knowledge, unless directed by counsel not to  
14 answer.

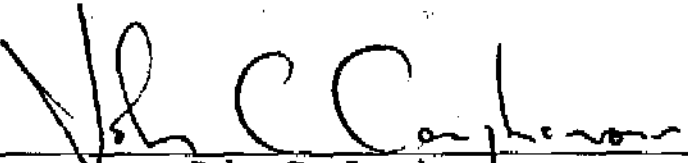
15 (e) Private Consultation. Private conferences  
16 between deponents and their attorneys during the actual taking  
17 of the deposition are improper, except for the purpose of  
18 determining whether a privilege should be asserted. Unless  
19 prohibited by the court for good cause shown, such conferences  
20 may, however, be held during normal recesses and adjournments.

21 (f) Conduct of Examining Counsel. Examining  
22 counsel will refrain from asking questions he or she knows to  
23 be beyond the legitimate scope of discovery, and from undue  
24 repetition.

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1 (g) Courtroom Standard. All counsel and parties  
2 should conduct themselves in depositions with the same courtesy  
3 and respect for the rules that are required in the courtroom  
4 during trial.

5 3. RESPONSIBILITY OF PLAINTIFF'S COUNSEL. This order  
6 is issued at the outset of the case, and a copy is delivered by  
7 the clerk to counsel for plaintiffs. Plaintiff's counsel (or  
8 plaintiff, if pro se) is directed to deliver a copy of this order  
9 to each other party within ten (10) days after receiving notice  
10 of that party's appearance.

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13   
14 John C. Coughenour  
United States District Judge